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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,426	01/07/2002	Florence Nicolas	8-1032-168	5423
22852	7590	09/10/2004	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 1300 I STREET, NW WASHINGTON, DC 20005			MOHAMED, ABDEL A	
			ART UNIT	PAPER NUMBER
			1653	

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/914,426	NICOLAS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Abdel A. Mohamed	1653	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 June 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 35-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 35-50, 53, 58 and 59 is/are allowed.
- 6) ☒ Claim(s) 51, 52 and 54-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

#### **ACKNOWLEDGMENT OF AMENDMENT, REMARKS AND STATUS OF THE CLAIMS**

1. The amendment and remarks filed 6/10/04 are acknowledged, entered and considered. In view of Applicant's request claims 13-34 have been canceled and claims 35-59 have been added (See Rule 126 below). Claims 35-59 are now pending in the application. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When new claims are presented, they must be renumbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not). Thus, in accordance with Rule 1.126, the new claims presented (i.e. 35-58) are renumbered consecutively beginning with the number next following the highest number claims previously presented starting from 35-59 and not 35-58 as requested by Applicant because two claims 50 were presented in the amendment filed 6/10/04. Hence, claims 35-59 are now pending in the application. The objection to the specification and the rejections under 35 U.S.C. 101, 35 U.S.C. 112, second paragraph and 35 U.S.C. 103(a) over the prior art of record are withdrawn in view of Applicant's amendment, cancellation of claims and remarks filed 6/10/04.

#### **NEW GROUND OF EJECTION**

The following is anew ground of rejection necessitated by Applicant's amendment.

#### **CLAIMS REJECTION-35 U.S.C. § 112<sup>2nd</sup> PARAGRAPH**

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2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 51, 52 and 54-57 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 51 is indefinite in the recitation "and/or" with three possibilities because "and/or" intends to cover two possibilities of "both" or "either". Thus, amendment of the claim in a Markush format is suggested.

Claim 52 is indefinite in the recitation "such that the molecular weight of the polymer chain is between 100 and 15 000" because units of the molecular weight are not clear. Appropriate clarification is required.

Claims 54 and 55 are indefinite in the recitation "in reacting" and "in deprotecting". The term "in" appears to be superfluous. Deletion of the term "in" is suggested.

Claim 54 and 55 recites the limitation "deprotecting" in step (b) and step (b'), respectively. There is insufficient antecedent basis for this limitation in claim 54 or claim 55.

Also, claim 55 is indefinite in the recitation "in oxidizing". The term "in" appears to be superfluous. Deletion of the term "in" is suggested.

Claim 55 is incomplete in not crosslinked at the end of the process. Appropriate correction is suggested.

Claim 56 is indefinite in the recitation "at least some" because it is not clear how many is some? Appropriate clarification is required.

Similarly, claim 56 and 57 are indefinite in the recitation "in carrying". The term "in" appears to be superfluous. Deletion of the term "in" is suggested.

3. **ACTION IS FINAL, NECESSITATED BY AMENDMENT**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**CONCLUSION AND FUTURE CORRESPONDANCE**

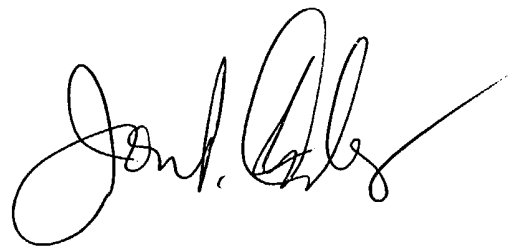
4. Claims 35-50, 53, 58 and 59 are allowed and claims 51, 52 and 54-57 are rejected.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdel A. Mohamed whose telephone number is (571) 272 0955. The examiner can normally be reached on First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon P. Weber can be reached on (571) 272 0925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Jon Weber", with a long, sweeping horizontal stroke extending to the right.

**JON WEBER**  
**SUPERVISORY PATENT EXAMINER**

*AM* Mohamed/AAM  
September 3, 2004